

# TMWB

Tompkins, McGuire, Wachenfeld & Barry LLP  
Attorneys at Law

Grant W. McGuire | Partner

Reply to: 3 Becker Farm Road Suite 402  
Roseland, New Jersey 07068-1726  
T: 973.623.7495 | F: 973.623.7780  
gmcguire@tompkinsmcguire.com

Gateway One Center  
Suite 615  
Newark, N. J. 07102  
T: 973.622.3000

December 19, 2017

Via ECF

The Honorable Katharine S. Hayden  
United States District Judge  
Frank R. Lautenberg U.S. Post Office & Courthouse  
Courtroom PO 05  
1 Federal Square  
Newark, NJ 07101

Re: NXIVM Corporation, et. al. v. The Ross Institute, et. al.  
[NXIVM v. Franco Bifurcated Trial]  
Civil Action No.: 06-cv-1051 (KSH/CLW)  
Our File No.: 4472-1

Dear Judge Hayden:

This firm along with Crockett and Associates represent the NXIVM related entities in the above-referenced matter. Consistent with counsel's communications with the Court's staff on December 18, 2017, I have been advised that Robert Crockett, Esq. (primary counsel for the NXIVM related parties) underwent an emergent medical procedure on Saturday December 16, 2017. While I am pleased to report that Mr. Crockett's condition is not life threatening (and he is recovering well), I am also advised that as part of his recovery, Mr. Crockett's physicians have forbidden him from flying for the next two months.

This matter is currently scheduled for a final pre-trial conference on January 9, 2018. A trial is thereafter scheduled to begin on January 16, 2018. In light of Mr. Crockett's medical condition, and his on-going recovery, he will not be able to attend either the final pre-trial conference or the trial. Insofar as Mr. Crockett serves as primary counsel for the NXIVM related entities, it is respectfully requested that the pre-trial conference and the trial of this matter be briefly adjourned. I would note that these unforeseen circumstances have been reported to adversary counsel, Mr. Sylvester, who has no objection to this adjournment request. Counsel's courtesy is both noted and appreciated.

**TOMPKINS, McGUIRE, WACHENFELD & BARRY**

While this author understands that this adjournment request comes on the eve of trial, the circumstances were not foreseeable and were reported to the Court as soon as possible. The NXIVM related entities respectfully ask that the Court permit the above-referenced adjournments so that their primary counsel may fully and adequately participate in the final pre-trial conference and trial and thereby see this matter through to conclusion.

In light of the foregoing, and having consulted with counsel and witnesses, the NXIVM related parties and Franco would be ready to conduct the final pre-trial conference on either March 8, 2018 or March 9, 2018 and thereafter engage in trial between April 11, 2018 and April 20, 2018.

In the event the Court has questions or otherwise wishes to communicate with this author do not hesitate to do so. Otherwise, all parties thank the Court in advance for its attention to this request.

Respectfully submitted,



Grant W. McGuire

For TOMPKINS, MC GUIRE, WACHENFELD & BARRY, LLP

GWM

cc: Anthony Sylvester, Esq.  
(Via ECF and e-mail)

12/21/17

Request Denied.

So ordered:

